



Department of Corrections
ADMINISTRATIVE BULLETIN

Subject: CALIFORNIA ALTERNATIVE
SENTENCING PROGRAM
SENATE BILL 1124

Number:

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CALIFORNIA ALTERNATIVE SENTENCING PROGRAM SENATE BILL 1124
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Purpose

This Administrative Bulletin announces the establishment of the California Alternative Sentencing Program (A.S.P.) as a Pilot Boot Camp Program as legislated in Senate Bill 1124. The primary purpose of the program shall be the receiving, care, custody, and education of inmates in the custody of the Director of Corrections.

Background

There is presently a need to provide to selected first-term offenders a special alternative sentencing program, which provides discipline and rehabilitation in a structured environment with expectations of changed deviant behavior, physical exercise, programs on substance abuse, and the elimination of chemical and alcohol dependency, educational programs that will increase basic education competencies in reading and math, emotional stability to develop positive moral and ethical thinking abilities; health consciousness, work ethics and employability skill, development of self-discipline, self-esteem, and self-control development of positive decision making skills, development of leadership skills, development of citizenship awareness and community responsibility, and prerelease counseling.

The Department of Corrections will conduct a pilot program in the state prison system for the purpose of establishing an alternative sentencing program to be known as the California Alternative Sentencing Program. San Quentin State Prison is identified as the specific site for implementing the program. The program shall be administered by regulations as contained in attachment (A).

IDENTIFICATION OF ELIGIBLE INMATES

Program participation of inmates shall be limited to newly committed inmates received to the Department of Corrections from counties served by the San Quentin State Prison Reception Center.

The primary counties for the program are Santa Clara, San Francisco, Contra Costa, Alameda, San Mateo and Marin. Other counties may be drawn from as the need arises to fill the Boot Camp Platoons. On and after the effective date of this bulletin whenever an able-bodied male offender is sentenced to state prison, San Quentin State Prison may select that person for



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participation in the program. For purposes of this program, eligible offenders shall be limited to offenders who:

1. Have not previously served a term in a state or federal prison.
2. Have not previously served a term in the California Youth Authority for an offense specified in section 1173.2 of the Penal Code.
3. Have not had a prior conviction as an adult for an offense specified in Section 1173.2 of the Penal Code.
4. Have been sentenced to state prison for not less than 12 months, nor more than 36 months, and who, after deduction of preincarceration credit, have 24 months or less to serve of their term.

Offenders selected to participate in the program shall not include offenders convicted of committing, or of an attempt to commit, any of the offenses as contained in Section 1173.2(b)(1) through (22) of the Penal Code.

Offenders selected for the program shall meet physical and mental eligibility standards as prescribed by the Department in attachment (A).

Offenders shall be screened by San Quentin State Prison Staff prior to selection for participation. This screening shall consist of all of the following:

1. A medical examination by a licensed physician.
2. Psychological screening by a licensed psychologist or psychiatrist.

The screening required shall consist of adequate examination and testing to ensure that individuals selected for the program comply with the physical and mental health requirements as established by the Department.

San Quentin Alternative Sentencing Program Staff shall select actual participants from among the individuals who have met the eligibility requirements set forth in Sections 1173.2 and 1173.3.



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A reasonable attempt to maintain an ethnic diversity in the program that reflects the existing state prison population shall be made. Lack of knowledge of the English language shall not be an excluding factor in the selection process.

- a. Prior to being admitted to the program, each participant shall voluntarily sign an agreement specifying the terms and conditions of participation in the program, as contained in attachment (A).
- b. Those who meet the eligibility requirement set forth in Sections 1173.2 and 1173.3 are not guaranteed selection for placement in the program.

The decision to place a person in the program shall be the sole discretion of the Warden at San Quentin State Prison or his Alternative Sentencing Program designees.

In determining program eligibility, San Quentin shall consider factors including, but not limited to, the following:

1. Any factors in aggravation.
2. Prior convictions not involving a state prison commitment.
3. Prior commitment to the California Youth Authority, particularly for offenses cited in subdivision (b) of Section 707 of the Welfare and Institutions Code.

The period of time in which a person shall participate in the program will be 120 days, and in no event shall participation in the program exceed the maximum period for which the offender otherwise would have been incarcerated in state prison. This time limitation shall not include time spent in the intensive aftercare parole release program established pursuant to Section 1173.7 of the Penal Code.

- a. Individuals otherwise eligible to participate in this program may be declared unfit for participation by program staff in accordance with regulations promulgated by the Department, except as provided for in Section 1173.4.
- b. Individuals also may be declared unfit for participation in the program at any time by a licensed physician, psychologist, or psychiatrist.
- c. Individuals who have been declared unfit for participation in the program in accordance with subdivision (a) or (b) shall be returned to a state prison where they



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shall serve their original sentences. These persons shall receive full credit against their original sentences for the time served in the program, including full work credits, pursuant to Section 2933, for each day in which they were in the program.

- d. Individuals who have been declared unfit for participation in the program shall have the right to a hearing before the Alternative Sentencing Program Unit Classification Committee. The committee may order that the individual be returned to a state prison pursuant to subdivision (c) or may order that the individual be reinstated in the program.

After Care Program

There shall be established under the program a 180-day intensive aftercare parole release program to be operated pursuant to regulations promulgated by the Department.

- a. The aftercare program established shall include a 60-day residential work training program. Participants will be required to reside on the grounds of a Department-approved facility in a structured living environment during this 60-day period.
- b. Eligibility for the after care program shall be limited to inmates who have successfully completed the initial 120-day portion of the Alternative Sentencing Program.
- c. Individuals may be terminated from the 60-day residential work training program in accordance with Section 1173.6 and regulations promulgated by the Department, as contained in this Bulletin.
- d. Individuals who are terminated from the 60-day residential work training program shall be returned to a state prison to which they otherwise would have been committed to serve their sentences. These individuals shall receive full credit for the time served in the program, including full work credits, pursuant to Section 2933, for each day in which they were in the program. These individuals shall have the right to a hearing before the Unit Classification Committee, as provided in subdivision (d) of Section 1173.6.
- e. Individuals who have completed the 60-day residential work program shall be placed on intensively supervised parole for the remaining 120-days. Individuals placed on supervised parole shall be subject to the parole revocation provisions of Article 3



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(commencing with Section 3040) of Title 1 of Part 3. The maximum period of incarceration upon revocation of parole shall be governed by Section 3057.

The Department or its' Parole and Community Service Delegate shall discharge from parole every individual who has successfully completed both the initial 120-day portion and the 180-day intensive after care parole release portion of the program.

Program Statement

San Quentin State Prison shall take steps to insure that the disciplinary and self-esteem building activities do not involve the corporal punishment of inmates or the application of training methods that are personally degrading, humiliating, or inhumane. San Quentin also shall take steps to assure that the constitutional rights of inmates are not violated.

Staff Selection/Training Requirements

Staff selection for the Alternative Sentencing Program will be drawn from volunteer resources located at San Quentin State Prison. All staff will be required to sign an acknowledgement of expectations and compliance as contained in attachment (A). Staff will be interviewed and closely screened by the Alternative Sentencing Program Committee composed of the Program Lieutenant(s), Sergeant(s) and a Staff Psychologist. Due to the rigorous physical and psychological demands of the assignment, staff will be required to minimally meet the following criteria:

1. Be physically and psychologically fit.
2. Have no past or pending adverse action involving excessive use of force.
3. Understand and voluntarily agree with purpose of the program.
4. Have demonstrated good communication skills and the ability to cope with job stress.

The final determination to select or remove any staff for the program rests solely with the Warden at San Quentin State Prison.

The Department of Corrections shall require all staff selected for the Alternative Sentencing (Boot Camp) Program to successfully complete a specialized Alternative Sentencing Program Training Course developed by the Department before being allowed to work in the Alternative Sentencing Program.



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Program Evaluating

There shall be an implementation and process evaluation by the Department which shall describe the program qualitatively and shall fully document the start up, operations, size, volume, location, program description, staffing cost, and other relevant characteristics of the pilot program. Additionally, the implementation and process evaluation shall monitor and report on the selection of inmates for the program profiles and characteristics of inmates eligible for the program and of inmates selected for inclusion in the program by the Department. Additionally, this evaluation should include information on inmates who resign or who are dismissed from the program in all phases, including their total length of institutional stay, their reasons for dismissal, and the steps taken, if any, to replace inmates who leave the program before completion.

An implementation and process study shall be conducted over the first 12 months of the program operation and shall be completed and presented to the Legislature by the end of 16 months from the date the program begins. This study shall be completed by San Quentin State Prison and submitted to the Director by the fifteenth month of operation.

- a. The evaluation also shall determine whether the program was made available to a cross section of inmates, regardless of race, ethnic background, national origin, ability to speak English or other similar factors. Notwithstanding the Public Contract Code or Article 10 (commencing with Section 1200) of Title 15 of the California Code of Regulations, the Legislative Analyst, in consultation with representatives with the Department of Corrections, shall select an independent contract to develop an evaluation model of the Alternative Sentencing Program in order to measure the program's impact on subsequent behavior and recidivism of inmates and on the institutional and parole populations of the Department. In addition, the Legislative Analyst shall select an independent contract to complete a final evaluation of the program.

The final evaluation is to be submitted in a report to the Legislature on or before October 1, 1996. Any cost incurred in contracting for the evaluation shall be paid from existing funds within the Departments appropriations. However, the total expenditure in contracting for the evaluation shall not exceed fifty-thousand dollars (\$50,000).

- b. The evaluation should consider the impact of the program on the subsequent behavior of the inmates, including measures of recidivism. The evaluation shall apply strict experimental and control study protocols to compare the follow-up behavior and



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recidivism of inmates completing the program to the behavior and recidivism of eligible inmates who are not in the program.

Measures of recidivism should include revocations and removals from parole as well as new law violations by frequency and severity. Particular attention in the evaluation should be given to follow-up periods after successful completion of the Alternative Sentencing Program, with comparison to the performance of a pool of inmates who are eligible for the program but who are not assigned to it. The evaluation should report specially on the effect which the program may have on the size of present and future Department of Corrections' populations, including measures of length of stay for program participants, dropouts, and nonparticipants; bed saving or increases attributable to the operation of the program; and the cost effectiveness of the program or lack thereof.

"Please inform all persons concerned of the contents of this bulletin which shall remain in effect until incorporated into the appropriate section of the Department's Operations Manual or Director's Rules. Please direct any inquiries regarding this bulletin to:

R. H. DENNINGER
Chief Deputy Director